

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**GREGORY PERKINS,**

Plaintiff,

v.

**Case No. 22-CV-1125**

**JEFFREY LAWRENCE, et al.,**

Defendants.

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**ORDER**

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On October 19, 2022, plaintiff Gregory Perkins, who is incarcerated and representing himself, filed a motion to pay the full \$402 filing fee out of his release account. (ECF No. 7.) The Prison Litigation Reform Act requires collection of filing fees from a “prisoner’s account.” 28 U.S.C. § 1915(b). The term “prisoner’s account” encompasses both a prisoner’s release account and his general account. *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). “A release account is a restricted account maintained by the Wisconsin Department of Corrections to be used upon the prisoner’s release from custody upon completion of his sentence.” *Wilson v. Anderson*, Case No. 14-C-798, 2014 WL 3671878 at \*3 (E.D. Wis. July 23, 2014) (citing Wis. Adm. Code § DOC 309.466). While the PRLA does not prohibit the use of release accounts, leaving it to the discretion of the court, given the purpose of the release account, federal courts do not deem it prudent to focus on that account as the source

of funds to satisfy the PRLA's filing fee payment requirements. *Smith v. Huibregtse*, 151 F. Supp. 2d 1040, 1042 (E.D. Wis. 2001).

Perkins does not provide the court with any reason why he should be allowed to pay the full filing fee out of his release account. The court also notes that Perkins moved to proceed without prepayment of the filing fee, and he need only pay an initial partial filing fee of \$9.99 to proceed with his case. Per the court's order dated October 17, 2022, Perkins may use his release account to pay the **initial partial filing fee** if he lacks funds in his regular trust account. (ECF No. 6 at 4-5.) Accordingly, the court **DENIES** Perkins's motion to pay the full filing fee out of his release account. (ECF No. 7)

Dated in Milwaukee, Wisconsin this 24th day of October, 2022.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style and is positioned above a horizontal line.

WILLIAM E. DUFFIN  
United States Magistrate Judge